

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

JESSIE MAE DAVIS,

Plaintiff,

v.

AMERICAN INTERNATIONAL GROUP, INC.;
et al.,

Defendants.

**CIVIL ACTION NO.
3:05-CV-995-MHT-CSC**

**SUPPLEMENT TO DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S MOTION TO REMAND FOR THE PURPOSE OF
CONDUCTING REMAND-RELATED DISCOVERY**

COME NOW Defendants American General Financial Services of Alabama, Inc. ("American General"); Merit Life Insurance Company; and Yosemite Insurance Company (hereinafter collectively referred to as "Defendants"), by and through their undersigned counsel, appearing specially so as to preserve any and all defenses available under Rule 12 of the Federal Rules of Civil procedure, and specifically preserving the right to seek arbitration pursuant to 9 U.S.C. § 1, *et seq.*, and hereby provide the following Supplement to Defendants' Motion for an Extension of Time to Respond to Plaintiff's Motion to Remand for the Purposes of Conducting Remand-Related Discovery.

Plaintiff commenced the present action on September 9, 2005 by filing a complaint in the Circuit Court of Macon County, Alabama. On or about October 17, 2005, Defendants removed the present action to this Court on diversity jurisdiction grounds under 28 U.S.C. § 1332(a). On or about November 16, 2005, Plaintiff filed a Motion to Remand, arguing against the existence of diversity jurisdiction. On or about November 21, 2005, Defendants filed a Motion for an Extension of Time to Respond to Plaintiff's Motion to Remand for the Purpose of Conducting

Remand-Related Discovery (“Motion to Conduct Remand-Related Discovery”). On or about November 22, 2005, Plaintiff filed an Opposition to this Motion to Conduct Remand-Related Discovery

In another matter involving these Defendants, Ken Nicholson v. American General Financial Services, Inc. et al., Civil Action No. 05-0625-CG-D (S.D. Ala. December 15, 2005)(attached hereto as Exhibit “A”), the Honorable Magistrate Judge Kristi K. DuBose of the United States District Court for the Southern District of Alabama recently granted Defendants’ Motion to Conduct Remand-Related Discovery. Defendants respectfully request that this Court consider the ruling of Magistrate Judge DuBose as persuasive authority and enter a similar Order permitting them to conduct the necessary remand-related discovery in the present action.

WHEREFORE, Defendants respectfully request that this Honorable Court grant Defendants’ Motion to Conduct Remand-Related Discovery.

Respectfully submitted,

s/ Matthew T. Mitchell

Robert H. Rutherford (RUT002)

David A. Elliott (ELL027)

Matthew T. Mitchell (MIT050)

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2005, I electronically filed the foregoing Supplement to Defendants' Motion for an Extension of Time to Respond to Plaintiff's Motion to Remand for the Purpose of Conducting Remand-Related Discovery with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Jere L. Beasley, Thomas J. Methvin, C. Lance Gould, Thomas Julian Butler, David A. Elliott, Robert H. Rutherford, Jeffrey M. Grantham, and John Thomas Aquina Malatesta.

s/ Matthew T. Mitchell
OF COUNSEL